

NOT TO BE INCLUDED
IN BOUND VOLUMES

LS
Port Washington, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CINTAS CORPORATION
Employer

and

Case 29-RC-11769

LOCAL 550, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
Petitioner

DECISION AND ORDER DIRECTING HEARING

The National Labor Relations Board¹ has considered objections to an election conducted on August 6, 2009, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 29 for and 25 against Petitioner.

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Teamsters Local 523 v. NLRB*, ___ F.3d ___, 2009 WL 4912300 (10th Cir. Dec. 22, 2009); *Narricot Industries, L.P. v. NLRB*, 587 F.3d 654 (4th Cir. 2009); *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).

The Board has reviewed the record in light of the Employer's exceptions and brief, and finds that the Employer's exceptions raise substantial and material factual issues warranting a hearing.²

ORDER

IT IS HEREBY ORDERED that a hearing be held before a duly designated hearing officer for the purpose of receiving evidence to resolve the issues raised by the Employer's exceptions.

IT IS FURTHER ORDERED that the hearing office designated for the purpose of conducting such hearing shall prepare and cause to be served on the parties a report containing resolutions of credibility of witnesses, findings of facts, and recommendations to the Board as to the disposition of the objections. Within 14 days from the date the report issues, either party may file with the Board in Washington, D.C. eight copies of exceptions. Immediately upon the filing of such exceptions, the filing party shall serve a copy on the other party, and shall file a copy with the Regional Director. If no exceptions are filed, the Board will adopt the recommendations of the hearing officer.

IT IS FURTHER ORDERED that this proceeding is remanded to the Regional Director for Region 29 to arrange and issue notice of the hearing.

Dated, Washington, D.C., February 16, 2009.

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² Chairman Liebman dissented in *Harborside Healthcare, Inc.*, 343 NLRB 906 (2004), and remains of the view that it was wrongly decided. However, in an effort to expedite resolution of this case, she agrees to remand for a hearing.